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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Islamic Republic of Iran

1. The Committee considered the thirteenth, fourteenth and fifteenth periodic reports of the Islamic Republic of Iran (CERD/C/338 Add.8) at its 1338th and 1339th meetings (see CERD/C/SR.1338 and 1339), on 4 and 5 August 1999. At its 1357th meeting (see CERD/C/SR.1357), on 18 August 1999, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's periodic report and the opportunity to continue a dialogue with the country. It appreciates the presence of a high-level delegation, which serves as an indication of the importance attached by the State party to its obligations under the Convention. The Committee also notes with satisfaction that the report constitutes a considerable improvement, in format as well as in substance, compared to previous reports.

B. Positive aspects

3. In the light of the State party's point of view on the problems involved in determining the ethnic composition of the population, the Committee notes that the information given on the ethnic composition is to a considerable extent in conformity with its previous requests and welcomes the efforts of the State party to provide statistics and breakdowns to enable an identification of different ethnic groups, including Azaris, Arabs, Kurds, Baluchis, Lurs and Turkmen.

4. The Committee notes with appreciation that the State party has a long tradition of receiving and hosting on its territory a large number of refugees, particularly of Afghan origin, and welcomes its efforts to provide the refugee community with food, shelter and health services.

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5. In the light of article 2, paragraph 2, of the Convention, the Committee welcomes the information provided by the State party on the measures taken to eliminate discrimination in areas inhabited by disadvantaged ethnic and tribal minorities and groups. In particular, the Committee appreciates the introduction of increased quotas for students from underdeveloped provinces in public universities; the allocation of resources to promote research on the root causes of the problems of economically, socially and culturally disadvantages areas, such as the low number of girls enrolled in schools or completing their education; the successful literacy campaign launched in 1979 which has resulted in a significant rise in literacy among, in particular, women from disadvantaged areas; and, steps taken by the Ministry of Health and Medical Education to promote non-discrimination in terms of health care.

6. The Committee welcomes the approbation by the Council of Ministers of a Plan for the Comprehensive Development of the Nomadic Regions and other measures taken to improve the economic, social and cultural conditions of the nomadic population, such as the establishment of mobile schools, and efforts made to ensure the availability of adequate health service.

7. In relation to article 5 (c) of the Convention, the Committee welcomes information indicating a high level of participation in both local and national elections, including the population in regions inhabited by national and ethnic minorities. It further notes with appreciation that ethnic and national minorities, in particular the Kurds, are represented in the Parliament in proportion to the demographic composition of the country.

8. The Committee notes with appreciation the establishment of national institutions to promote, review and monitor human rights enumerated in international instruments and the Constitution, in particular the Islamic Human Rights Commission and the Board for Follow-up and Monitoring the Implementation of the Constitution.

C. Principal subjects of concern

9. Concern is expressed that the definition of racial discrimination found in, *inter alia*, article 19 of the Constitution of the Islamic Republic of Iran and the 1977 Bill for the Punishment of the Propagation of Racial Discrimination, is not in complete conformity with the broad definition contained in article 1, paragraph 1 of the Convention, which refers to any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin.

10. While the efforts of the State party to improve the economic, social and cultural conditions in disadvantaged areas are acknowledged, it is noted with concern that some provinces largely inhabited by persons belonging to minorities, such as Sistan/Baluchistan and other border areas, are still economically disadvantaged.

11. It is noted that several of the civil and political rights listed in article 5 (d) of the Convention, such as the freedom of thought, conscience and religion and the freedom of opinion and expression, are enjoyed subject to certain restrictions. The Committee needs more information in order to assess whether these restrictions are in conformity with the Convention.

12. Although the report contains a good deal of information on legal provisions, sufficient information is lacking on the practical implementation of and the enjoyment of rights contained in articles 2, 4, 5 and 6 of the Convention, notably regarding the incidences of ethnically motivated practices, the number of complaints of racial discrimination and available remedies, as well as the practice of the judiciary.

D. Suggestions and recommendations

13. The Committee recommends that the State party take appropriate steps to

bring its domestic legislation into full conformity with articles 1, paragraph 1, 4 (b) and 5 of the Convention, and to ensure, in particular, that legal stipulations providing for a difference in treatment do not result in discriminatory treatment based on race, colour, descent, or national or ethnic origin.

14. The Committee recommends that the State party continue to promote economic, social and cultural development in areas inhabited by disadvantaged ethnic and tribal minorities and groups, and to encourage the participation of these minorities in such development.

15. The Committee recommends that the State party ensure that seminars, training courses and workshops on human rights organized by the Islamic Human Rights Commission, the Ministry of Education and universities include teaching about the Convention and give due attention to the concluding observations of the Committee and the relevant national legislation, in particular relating to availability of domestic remedies.

16. In its next report, the State party should include comprehensive information relating to the practical implementation of the Convention, in particular on any complaints relating to racial discrimination brought before the courts, administrative bodies or the Islamic Human Rights Commission. The State party should also provide information on available remedies, on relevant case law and practice of the judiciary, on existing limitations as to the equal enjoyment of rights and freedoms contained in article 5 of the Convention, also, the Committee would like to receive further information on the work of the Islamic Human Rights Commission and the Board for Follow-up and Monitoring the Implementation of the Constitution.

17. The Committee suggests that the State party take steps to ensure the wide dissemination of the provisions of the Convention, as well as the State party's periodic reports and the concluding observations of the Committee.

18. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention.

19. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some of the members of the Committee requested that the possibility of such a declaration be considered.

20. The Committee recommends that the State party's next periodic report, which is due on 4 January 2000, be an updating report, taking into account the points raised in the present observations.